

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

HILL WALLACK LLP  
Elizabeth K. Holdren, Esq.  
21 Roszel Road; P.O. Box 5226  
Princeton, New Jersey 08543-5226  
(609) 924-0808  
eholdren@hillwallack.com  
Attorneys for Bank of America. N.A.. through

In Re:

ANNETTE SMITH and WALTER SMITH,  
  
Debtors.



Order Filed on January 7, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 18-20301  
Hearing Date: \_\_\_\_\_  
Judge: CMG  
Chapter: 13

Recommended Local Form:

☐ Followed

☒ Modified

**ORDER VACATING STAY**

The relief set forth on the following page is hereby **ORDERED**.

DATED: January 7, 2019

A handwritten signature in black ink, reading "Christine M. Gravelle".

Honorable Christine M. Gravelle  
United States Bankruptcy Judge

Upon the motion of Hill Wallack LLP, attorneys for Bank of America, N.A., under  
through Carrington Mortgage Services, LLC, servicer and attorney-in-fact  
Bankruptcy Code section 362(d) for relief from the automatic stay as to certain property as  
hereinafter set forth, and for cause shown, it is

ORDERED that the automatic stay is vacated to permit the movant to institute or resume  
and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to  
pursue the movant's rights in the following:

☒ Real property more fully described as:

Land and Premises commonly known as 5 Vicky Court, Hamilton, New Jersey  
and also known as Block: 2275, Lot: 14, as shown on the Tax Map of the  
Township of Hamilton, Mercer County and State of New Jersey.

It is further ORDERED that the movant, its successors or assignees, may proceed with its  
rights and remedies under the terms of the subject mortgage and pursue its state court remedies  
including, but not limited to, taking the property to sheriff's sale, in addition to potentially pursuing  
other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or  
deed-in-lieu foreclosure. Additionally, any purchaser of the property at sheriff's sale (or  
purchaser's assignee) may take any legal action for enforcement of its right to possession of the  
property.

☐ Personal property more fully described as:

It is further ORDERED that the movant may join the debtors and any trustee appointed in  
this case as defendants in its action(s) irrespective of any conversion to any other chapter of the  
Bankruptcy Code.

It is further ORDERED that all communications sent by Secured Creditor in connection with  
proceeding against the Property, including, but not limited to, notices required by state law and  
communications to offer and provide information with regard to a potential Forbearance Agreement,  
Loan Modification, Refinance Agreement, Loss Mitigation Agreement, or other Loan Workout, may be sent  
directly to Debtors.

The Movant shall serve this Order on the Debtors, Debtors' attorney, any trustee and any other  
party who entered an appearance on the motion.

Certificate of Notice Page 3 of 3  
United States Bankruptcy Court  
District of New Jersey

In re:  
Annette Smith  
Walter Smith  
Debtors

Case No. 18-20301-CMG  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jan 07, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 09, 2019.  
db/jdb +Annette Smith, Walter Smith, 5 Vicky Court, Hamilton, NJ 08610-6064

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 09, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 7, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Elizabeth K. Holdren on behalf of Creditor BANK OF AMERICA, N.A. eholdren@hillwallack.com,  
jhanley@hillwallack.com  
Elizabeth K. Holdren on behalf of Creditor Bank of America, N.A., through Carrington Mortgage  
Services, LLC, servicer and attorney-in-fact eholdren@hillwallack.com, jhanley@hillwallack.com  
John R. Morton, Jr. on behalf of Creditor American Honda Finance Corporation  
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com  
Kevin C. Fayette on behalf of Joint Debtor Walter Smith kfayette@kevinfayette.com  
Kevin C. Fayette on behalf of Debtor Annette Smith kfayette@kevinfayette.com  
Kevin Gordon McDonald on behalf of Creditor BANK OF AMERICA, N.A. kmcdonald@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8